

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	<input style="width: 90%;" type="text" value="13-55666"/>		
District Court/Agency Case Number(s):	<input style="width: 90%;" type="text" value="12-cv-08443-GW-MRW"/>		
District Court/Agency Location:	<input style="width: 90%;" type="text" value="Central District of California, Los Angeles"/>		
Case Name:	<input style="width: 30%;" type="text" value="Nadia Naffe"/>	v.	<input style="width: 30%;" type="text" value="John Patrick Frey, et al."/>
If District Court, docket entry number(s) of order(s) appealed from:	<input style="width: 90%;" type="text" value="65"/>		
Name of party/parties submitting this form:	<input style="width: 90%;" type="text" value="Plaintiff Nadia Naffe"/>		

Please briefly describe the dispute that gave rise to this lawsuit.

Defendant John Patrick Frey is a Deputy District Attorney in Los Angeles County who also publishes a blog under the moniker "Patterico" and operates a Twitter account with the same name. Using both his blog and Twitter, Defendant Frey has engaged in a merciless campaign of intimidation and harassment directed at Ms. Naffe. When Ms. Naffe exercised her right to free speech, Defendant Frey immediately retaliated by threatening to investigate Ms. Naffe for her alleged violations of criminal statutes and by publishing her Social Security number on his blog.

Briefly describe the result below and the main issues on appeal.

On April 19, 2013, the Hon. George Wu granted Defendants' motions to dismiss and dismissed Plaintiff's case for lack of jurisdiction. The issues are as follows: first, whether Defendant Frey, a Los Angeles County prosecutor, acted under color of state law for purposes of 42 U.S.C. sec. 1983 when he threatened to investigate Plaintiff for her alleged criminal violations; and, second, whether diversity jurisdiction exists.

Describe any proceedings remaining below or any related proceedings in other tribunals.

None.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached
☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list
☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

Naffe v. Frey et al.

United States Court of Appeals for the Ninth Circuit, case no. 13-55666

U.S. District Court, Central District of California, case No. 12-CV-08443-GW (MRWx)

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